

Docket No. 0687/74768-AA/JPW/GJG/JRMIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael Wayne Graham and Robert Norman Rice  
Serial No. : 10/759,841 Examiner: Whiteman, Brian A.  
Filed : January 15, 2004 Group Art Unit: 1635  
For : SYNTHETIC GENES AND GENETIC CONSTRUCTS

Mail Stop Amendment  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date: October 9, 2008

Sir:

Transmitted herewith is an amendment to the above-identified application.

\_\_\_\_\_ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been previously established.

\_\_\_\_\_ A verified statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 is enclosed.

X No additional fee is required.

The filing fee is calculated as follows:

	Number after Amendment	Highest Number Previously Paid For <sup>1</sup>	Number of Extra Claims Presented	RATE			FEE	
				Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	33 -	* 60 =	*** 0 X	\$26	\$52	=		0.00
Independent Claims	3 -	** 4 =	*** 0 X	\$110	\$220	=		0.00
Multiple Dependent Claim(s) Presented For First Time _____ Yes <u>X</u> No				\$195	\$390	=		0.00
				TOTAL ADDITIONAL FEE			\$	0.00

<sup>1</sup> The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims originally filed.

\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

\*\* If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

\*\*\* If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0".

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Amendment Transmittal Letter  
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The following are also enclosed:

       One additional copy of this Amendment Transmittal Letter

  X   Return Receipt Postcard

       An Information Disclosure Statement, including Form PTO-1449  
(Copies of citations included: Yes        No         
and a fee of \$                      included)

       A Petition for an Extension of Time, including a fee of  
\$                      for a Petition for        Month(s) Extension of Time

  X   Other (identify): Exhibits A to F as indicated on the Return Receipt  
Postcard

THE TOTAL FEE DUE IS \$ 0.00.

       A check in the amount of \$                      is enclosed.

       Please charge Deposit Account No.                      in the amount of  
\$                     .

  X   The Commissioner is hereby authorized to charge any additional fees  
required or credit any overpayment to Deposit Account No. 03-3125  
as follows:

  X   Fees under 37 C.F.R. \$1.16 for the presentation of extra claims  
  X   Patent application processing fees under 37 C.F.R. \$1.17

Respectfully submitted,

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John P. White

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I hereby certify that this  
correspondence is being deposited this  
date with the U.S. Postal Service with  
sufficient postage as first class mail  
in an envelope addressed to:  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450.  
Gary J. Gershik 10/2/08  
John P. White Date  
Reg. No. 28,678  
Gary J. Gershik  
Reg. No. 39,992



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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1185 Avenue of the Americas  
New York, New York 10036  
October 9, 2008

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT IN RESPONSE TO JULY 9, 2008 OFFICE ACTION**

This Amendment is submitted in response to the July 9, 2008 Office Action issued in connection with the above-identified application. A response to the July 9, 2008 Office Action is due October 9, 2008. Accordingly, this Amendment is being timely filed.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 10 of this paper.

Please amend the subject application as follows: